

ENTERED

January 18, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

DAVID RAY EUDY,

Petitioner,

VS.

UNIVERSITY OF TEXAS MEDICAL
BRANCH, *et al*,

Defendants.

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CIVIL ACTION NO. 3:15-CV-214

ORDER TO TRANSFER

The plaintiff, David Ray Eudy (TDCJ #01048788), has filed a complaint under 42 U.S.C. § 1983 claiming that the defendants were deliberately indifferent to injuries to Eudy's hand and wrist (Dkt. 1). The Texas Attorney General has, at the Court's request, provided a *Martinez* report,¹ which the Court has sealed and construed as a motion for summary judgment under Federal Rule of Civil Procedure 56. Eudy has responded (Dkt. 19). The defendants have replied to Eudy's response, and their motion to seal that reply (Dkt. 21) is **GRANTED**.

The defendants have also requested a change of venue, and in light of the clarifying information they have presented a transfer is proper. Although Eudy listed all of the defendants as having Galveston addresses, the Texas Attorney General has informed the Court that the defendants who provided the medical care at issue actually reside in or near Tennessee Colony (Dkt. 20 at p. 1). Moreover, the defendants treated

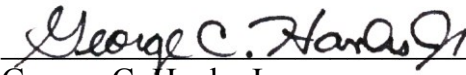
¹ *Martinez v. Aaron*, 570 F.2d 317 (10th Cir. 1987); *see also Cay v. Estelle*, 789 F.2d 318, 323 & n.4 (5th Cir. 1986) (discussing the utility of a *Martinez* report).

Eudy in Tennessee Colony at the Michael Unit of the Texas Department of Criminal Justice, not in Galveston at UTMB (Dkt. 20 at p. 1). Tennessee Colony is located in the Eastern District of Texas, Tyler Division. The defendants' motion to transfer venue (Dkt. 20) is **GRANTED**. *See* 28 U.S.C. §§ 124(c)(1), 1391(b), 1404(a).

The Court **ORDERS** the District Clerk to **TRANSFER** this case to the United States District Court for the Eastern District of Texas, Tyler Division.

The Clerk of this Court shall send a copy of this order to the parties and to *amicus* counsel.

SIGNED at Galveston, Texas, this 18th day of January, 2018.



George C. Hanks Jr.
United States District Judge